

EAST PALESTINE VILLAGE COUNCIL 8/8/2016 7 PM 85 N. MARKET ST.

Mayor Zuch called the meeting to order. Present was Mr. Cohen, Mr. Elzer, Mr. Todd, Mr. Tyger, Mr. Walker, and Mr. Yokley. Also present was Village Manager Pete Monteleone, Law Director Dave Powers, Finance Director Traci Thompson. The minutes of the July 25 meeting were approved on a motion by Mr. Cohen, seconded by Mr. Walker. All in favor. Mr. Cohen made a motion to amend the agenda to add for approval the minutes of the Special Meeting on July 26, seconded by Mr. Walker. All in favor. Mr. Walker then made a motion to approve the minutes of the July 26 special meeting seconded by Mr. Cohen. All in favor. The department reports for July were approved on a motion by Mr. Elzer seconded by Mr. Walker all in favor. There were no agenda items.

CLERK: Martin announced the public hearing for Ord. 13-2016 (Accessory Buildings), which is required by the Charter, would be held 9/12/16 at 6:45 pm prior to the regular meeting.

MAYOR: Mayor Zuch council needed to appoint a new Mayor Pro Tem as that was Atty. Beagles position when she resigned. Mr. Tyger nominated Mr. Cohen seconded by Mr. Elzer. All in favor.

MANAGER: Manager Monteleone asked Water Superintendent John Jurjavic to speak on the well situation. Jurjavic stated that they had the Nulf Well cleaned but it wasn't bad, they got the pump lowered more and the flows came back up and that we are working on the Rhodes Well. Mr. Elzer asked if the water table dropped during the dry weather and Jurjavic said no. Mr. Elzer asked about the flow meters at the park, Jurjavic said the engineers had a meter in the ball field that was registering higher than the one downstream but they came to the conclusion they were getting bad readings from the meter. Monteleone stated the contract had been signed for the spec house at Leslie Run; they should break ground this week. Pool is still doing well and as of Aug 7th park receipts were at \$69,900.00.

LAW DIRECTOR: Atty. Powers stated that in reference to the council seat Mr. Yokley was appointed to, he and anyone else interested will have to run in the next general municipal election in 2017 (it would be for the remainder of Atty. Beagles term which ends 12/31/19). Atty. Powers stated after a conversation he had with billing office for water and sewer he found that we have no ordinances governing enforcement of collection of water and sewer bills, he feels we have no legal basis to anything if someone doesn't pay their w/s bills. Mr. Cohen stated he thought there was agreement with the customer when they are supplied water. Clerk Misti Martin stated when a resident purchases a property they have to sign a card stating they are responsible for payment of the bill. Powers said the other problem is with non owner occupied properties, he said other communities require a deposit for the water which he feels is a good idea because ultimately as the property owner you are responsible for the bill. There was a lengthy discussion as to the need for a policy and the need for a deposit on the utilities (at this point he presented council with a draft contract) and asked council to think about drafting ordinances that would give us authority to collect delinquent bills. Powers stated according to the current policy it looks like we don't issue disconnection notices. Jurjavic and Martin said disconnection notices are issued. Jurjavic stated the monthly report issued from the water department shows how many disconnection notices are mailed and how many of the second notices which are delivered (by hand). Finance Director Traci Thompson stated there is something in the ORC. Powers stated the current policy says we are not going to charge a new owner for an old owner's problem, he said his question is how we get to the point where we don't have that big of a problem. Jurjavic that w/s bill can't follow the person, it stays with the property. Mr. Walker asked if the owner signing the card makes it a binding contract and that card should give us legal recourse. Mr. Elzer feels a deposit for rental properties makes sense. Mr. Elzer asked if someone buys a property with a past due bill and we are not holding the new owner responsible how do we get our money or if we just lose it. Jurjavic and Martin said they file liens on the property to which Atty. Powers stated that is ultimately still charging the new owner. Thompson said that we do sometimes get our money on foreclosure properties but sometimes it does have to be written off. Powers again stated the policy says we are not to collect from a new owner, he said if a property is sold with a lien on it that doesn't mean the old owner is

going to pay it to which Mr. Cohen stated the owner would have it taken out of the proceeds of the sale. Powers said there are times when there are property closings and the lien isn't on record yet and that a lien is to follow a property and not the person. Water/ Sewer Superintendent John Jurjavcic stated that our current procedures and policies are what the previous Manager and law Director told us to do. Mr. Walker asked about turning delinquencies over to collection. Powers recommended a deposit program for utilities to add protection for the landlord and the Village. Mr. Cohen asked Thompson how big the problem was in terms of money. Thompson stated we may only shut off 4 people a month, she didn't have the dollar figures right then but the amount written off as uncollectable is very minimal. Martin stated if we file more than 10 liens a year that is a lot. Jurjavcic stated he feel the girls in the office are the best around at collecting delinquent funds. Jurjavcic suggested taking our current policies and putting them into ordinance form. Thompson stated what we are doing is working, she said there is an occasional off the wall scenario but we are very successful with collections. Mr. Cohen suggested putting current policies and procedures in writing.

STREET: NO REPORT. Mr. Elzer asked about the chip & seal and Monteleone stated they are running behind. Mr. Cohen asked if there has been progress on the alley work, Monteleone said they have started working on the worst alleys first.

S/P/R/C: NO REPORT. Monteleone stated the new mural has started on the Flowers Straight from the Heart building (being done by Gina Hampson) and Nate Foster is working on a mural on the front of the pool building and hopefully the next mural will be on the wall of the Pie Factory building by the Veterans Memorial.

DEVELOPMENT: NO REPORT

UTILITY: NO REPORT

FINANCE: NO REPORT

THERE WERE NO VISITORS COMMENTS ON CURRENT LEGISLATION

VISITORS: John & Dot Herbert, Chief Josh Brown, Steve Baird, Kent Chapman, Mary Anne Tyger, Jim Williams, John Davis, Cpl. Brian Moore, Dianna Elzer, John Jurjavcic, Katie White, Dan Scott.

LEGISLATION: Mr. Yokley introduced Ord. 13-2016 for a second reading and made a motion that it be read by title only seconded by Mr. Cohen. All in favor. **An ordinance amending Chapter 152.09 (a)(2) of the Codified Ordinances of the Municipality of East Palestine, Ohio.** Mr. Yokley introduced Ord. 14-2016 for a second reading and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance repealing the current provisions of title two, Chapter 1020, of the Codified Ordinances of East Palestine, and adopting new sections 1020.01 through 1020.99 as set forth in exhibit A.**

ADJOURN: Mr. Cohen made a motion to adjourn, seconded by Mr. Elzer. All in favor, meeting adjourned.

MISTI J. MARTIN CLERK

MAYOR MARGO ZUCH